REMARKS

Claims 1-16 are pending in the application, claims 7-8 and 10-15 have been finally rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention for the specific reasons set forth on pages 2 and 3 of the Office Action mailed February 25, 2003. With respect to this basis for rejecting these claims, Applicants state the following.

Claims 1 to 6 remain unamended.

Claims 7 and 8 have been amended by replacing the term "the working state" by the term "a working state".

Claim 9 remains unamended.

Claims 10 and 11 have been amended by replacing the terms "the working state" and "the idle state" by the terms "a working state" and "an idle state", respectively.

Claim 12 has been amended to be dependent from claim 11 (for disclosure see: original claims 12) thereby providing sufficient antecedent basis for "the force generating element".

Claims 13 and 14 have been amended to be dependent from claim 11 (for disclosure see: original claims 13 and 14), thereby providing sufficient antecedent basis for "the actuator".

Claim 15 has been amended by replacing the term "the idle state" by the term "an idle state".

Claim 16 remains unamended.

For these foregoing reasons, Applicants believe that they have addressed satisfactorily the rejections imposed under 35 U.S.C. §112, second paragraph, and Applicants respectfully request the Examiner to enter these claim amendments as being amendments to obviously overcome the 35 U.S.C. §112, second paragraph, basis for rejecting claims 7-8 and 10-15.

In addition, claims 1-3, 6-8 and 10-16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Drouin (US-4,109,637) in view of Ostdiek (US-6,036,241). For the reasons that follow, Applicants respectfully traverse the application of these prior art references to reject the cited claims under 35 U.S.C. §103(a).

The Examiner takes the position that newly introduced prior art documents US-4,109,637 (US'637) and US-6,036,2241 (US'241) would render obvious the subject matter according to claim 1. This objection is respectfully traversed.

According to the Examiner, solenoid 46 disclosed in US'637 could be compared with the blocking and release unit 12 according to claim 1. This interpretation of US'637 is unfounded.

Solenoid 46 according to US'637 locks, upon actuation, the door of an electrical appliance (see US'637, column 3, lines 43 - 46). Thus, solenoid 46 serves as locking means effecting a locking state.

In contrast thereto, blocking and release unit 12 according to claim 1 effects, as far as its blocking function, a blocking of an already locked door lock of an electrical appliance. This difference between solenoid 46 and blocking and release unit 12 becomes more vivid considering how solenoid 46 and blocking and release unit 12 operate.

Solenoid 46 moves arm 36 in a locking engagement with the electrical appliance's door (see US'637, column 3, lines 43-46). Locking and release unit 12 blocks a door lock, for example door lock 2, which is used for locking the electrical appliance's door.

As a result, solenoid 46 cooperates with the electrical appliance's door for locking the same, while blocking and release unit 12 does not cooperate with the electrical appliance's door but cooperates with a door lock thereof.

Therefore, solenoid 46 cannot be compared with blocking and release unit 12, but has to be compared with a door lock, for which blocking and release unit is intended to provide a blocking state as far as its blocking function is concerned.

Moreover, it is not possible to provide unlocking of the electrical appliance's door by means of solenoid 46. Rather, unlocking the electrical appliance's door is effected by solenoid 48 (see US'637, column 4, lines 13 - 17).

The fact that the Examiner's position is unfounded is further supported by the following difference of solenoid 46 and blocking and release unit 12. Irrespective of the fundamentally different and non-comparable operations of solenoid 46 and blocking and release unit 12, solenoid 46 provides just one function (i.e., locking of a door), while blocking and release unit 12 provides two functions (i.e., effecting a blocking state and a release state as defined in claim 1).

As in the case of solenoid 46, also with respect to solenoid 48 according to US'637, the Examiner neglects to recognize that solenoid 48 cooperates with the electrical appliance's door to effect its unlocking. In contrast thereto, neither blocking and release unit 12 nor emergency release unit 14 according to claim 1 cooperate with the electrical appliance's door.

Comparable to the blocking state, blocking and release unit 12 effects a release state by cooperating with the door lock for the electrical appliance's door, but, in contrast to solenoid 48, according to US'637, does not cooperate with the electrical appliance's door.

Irrespective of the function provided by emergency release unit 14, this unit cannot be compared with solenoid 48 because emergency release unit 14 cooperates with blocking and release unit 12 for effecting its release state, while solenoid 48 cooperates with the electrical appliance's door to unlock same (see US'637, column 4, lines 13-16).

In more general terms, the above differences are readily apparent by considering the subject matter according to claim 1 as an apparatus for a door lock of an electrical appliance while US'637 provides a door lock as such for an electrical appliance. The latter is explicitly disclosed in US'637, which teaches "a locking mechanism" for an electrical appliance's door (see US'637, column 4, line 23).

In view of the foregoing, it is obvious that US'637 does not only fail to disclose means comparable with emergency release unit 14 according to claim 1, but also fails to disclose means of the type the subject matter according to claim 1 is directed to.

As regards the inventive step of claim 1, a person skilled in the art would never have contemplated to include means comparable with emergency release unit 14 in the arrangement disclosed in US'367.

First, US'637 explicitly discloses that its object is to provide a latch mechanism wherein even in case of a power failure the door will remain locked (see US'637, column 1, lines 42 - 47). Second, US'637 explicitly discloses that "one important

feature" of its teaching is that this object is achieved, namely that the door of an electrical appliance will remain locked even in case of a power failure.

Therefore, a person skilled in the art, even knowing US'241, would never have contemplated to implement any measures effecting an unlocking of the electrical appliance's door in case of a power failure. Rather, such a modification would be a clear contradiction to the explicit teaching of US'637.

At least for that reason, the Examiner's position that a person skilled in the art would have combined US'637 and US'241 is unfounded.

Even assuming a hypothetical assumption for which no basis can be found in US'637 that a person skilled in the art would have, for whatever reason, combined US'637 and US'241 as outlined by the Examiner, it would be impossible to obtain the subject matter according to claim 1.

According to the Examiner's position, replacing solenoid 48 according to US'637 by linear actuator 146 according to US'241 would result in the subject matter according to claim 1. This Examiner's objection is respectfully traversed.

As set forth above, solenoid 48 is the only means, according to US'637, that provides unlocking of the electrical appliance's door; solenoid 46 is not able to provide this function. Replacing solenoid 48 by linear actuator 146 would result in an arrangement in which under normal operating conditions solenoid 46 locks the electrical appliance's door but provides no further functions.

In other words, under normal operating conditions, the Examiner's combination would not allow an unlocking of the electrical appliance's door, because solenoid 46 is not able to unlock the same. As a result, for unlocking the electrical appliance's door, it

is necessary to create a power failure operating condition in order to actuate linear actuator 146, which only in such emergency cases provides the desired unlocking. In practice, a user of the electrical appliance would be required to interrupt the power connection to the electrical appliance in order to unlock its door.

In contrast thereto, the subject matter according to claim 1 allows both locking and unlocking of the electrical appliance's door under normal operating conditions, a functionality that could never be obtained by the Examiner's combination. In that regard, it is again emphasized that the subject matter according to claim 1 allows locking and unlocking of the electrical appliance's door but does not effect the door's locking and unlocking, in contrast to the Examiner's combination, which effects door locking under normal operating conditions and door unlocking only in case of a power failure.

In view of the foregoing, Applicants respectfully assert that it is evident that the Examiner's rejection of claim 1 in view of US'637 and US'241 is unfounded.

For these foregoing reasons, Applicants respectfully request the Examiner to enter the foregoing claim amendments under Rule 116 and to reconsider the present application in light thereof, and in light of the foregoing remarks addressing both the amendments and the prior art rejections that have been imposed in the final Office Action mailed February 25, 2003.

Respectfully submitted:

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